



PLANNING COMMISSION SYNOPSIS

Wednesday, August 6, 2008

5:00 p.m. STUDY SESSION

Riparian Corridor Policy

ROOM LOCATION T-332

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Jim Zito, Chair

Matt Kamkar, Vice-Chair

Xavier Campos

Lisa Jensen

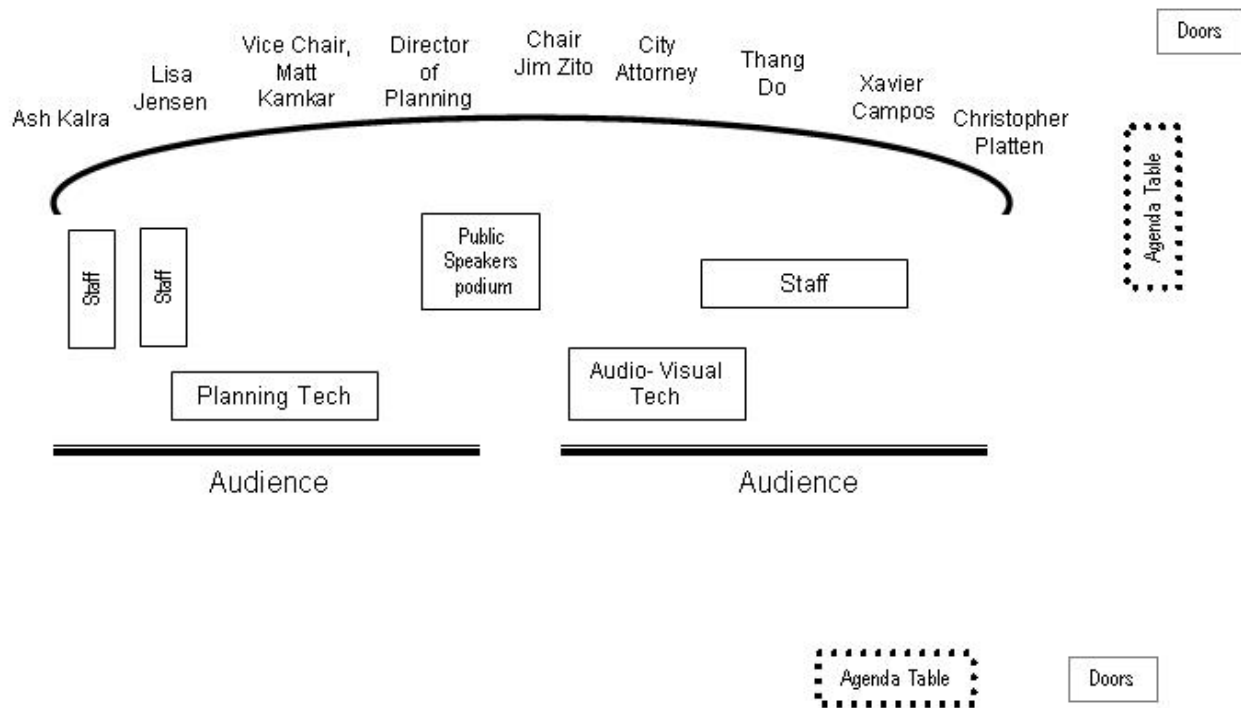
Christopher Platten

Thang Do

Ash Kalra

**Joseph Horwedel, Director
Planning, Building and Code Enforcement**

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at http://www.sanjoseca.gov/planning/hearings/planning_com.asp

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjose.granicus.com/ViewPublisher.php?view_id=17

If you have any questions, please direct them to the Planning staff at (408) 535-7800. If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoseca.gov Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

All Commissioners were present

2. DEFERRALS

- a. **CP08-018**. Conditional Use Permit to allow 24-hour use for an existing public eating establishment on a 0.29 gross acre site in the DC Downtown Primary Commercial Zoning District, located at 345 South 4th Street on the west side of South 4th Street, approximately 220 feet south of East San Carlos Street (345 S 4TH ST) (Alvarez Joaquim A And Maria D Trustee, Owner). Council District 3. SNI: University. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

DROPPED (7-0-0)

3. CONSENT CALENDAR

- a. **CP08-044**. Conditional Use Permit to convert a portion of an existing public school to private school use on a 10.77 gross acre site in the R-1-1 Single-Family Residence Zoning District, located on the east side of Dent Avenue, immediately south of State Route 85 (5200 Dent Avenue) (Union School District, Owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

APPROVED (7-0-0)

- b. **CPA95-066-01**. Conditional Use Permit Amendment to amend the condition of approved permit CP95-066 to allow a teen program on weekends, holiday and school vacation weeknights at an existing indoor playground facility on a 2.06 gross acre site in the CP Commercial Pedestrian Zoning District, located on the west side of Camden Avenue, approximately 400 feet northerly of Kooser Road (5401 CAMDEN AVENUE) (Save Mart Supermarkets, Owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

APPROVED (7-0-0)

- c. **CPA02-004-01**. Conditional Use Permit Renewal for a full-service restaurant with bar on a 3.1 gross acre site in the CG General Commercial Zoning District, located on the west side of Monterey Road approximately 1,220 feet northerly of Curtner Avenue (2121 MONTEREY RD)(Caralli Carlo F And Marie C Trustee & Et Al, M.J. Lobue Partnership, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (7-0-0)

- d. **CP08-041.** Conditional Use Permit for the expansion of dining area (no new interior construction) of an existing wine bar and the addition of exterior patio food service, with the extension of hours of operation to 11:00 p.m. on weekends on a 6.56 gross acre site in a neighborhood shopping center in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Almaden Expressway and Via Valiente (6946 ALMADEN EX)(Sanfilippo Delora J W Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (7-0-0)

Commissioner Jensen pulled from the consent calendar to ask for clarification regarding the potential for the adjacent restaurant to also add an outdoor seating area. Staff clarified that the restaurant already has use of an existing outdoor seating area. Commissioner Kamkar added that he had spoken with the restaurant operator who also confirmed that the restaurant has use of an outdoor seating area. Commissioner Jensen then recommended approval of the project.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **CP08-056 / ABC08-007.** Conditional Use Permit to allow off-sale of alcohol beverages and a determination of Public Convenience or Necessity in an existing 23,620 square foot, ground floor commercial tenant space on a 1.33 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the south side of East San Fernando Street between South 2nd and South 3rd Streets (88 East San Fernando Street) (Block 3 Development Partners, LLC, Owner; Wilson Meany Sullivan, LLC Seth Bland, Developer). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**DENIED WITH RECOMMENDATION THAT COUNCIL OVER-RULE
(5-2-0; KAMKAR & PLATTEN OPPOSED)**

Commissioners Platten and Kamkar stated that they would vote against the motion to emphasize that they support the proposed off-sale use. Other members of the Commission also stated support for the proposed use and asked that the Council over-rule their determination.

- b. Review and Recommendation of the **Strong Neighborhoods Initiative Tully-Senter Neighborhood Improvement Plan Amendment** to the City Council. Council District 7. SNI: Tully-Senter. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045. *PROJECT MANAGER, P.SHAFER*

RECOMMENDED APPROVAL (7-0-0)

Members of the Commission commended the community for all aspects of their participation in the Strong Neighborhoods Initiative.

- c. **C08-019. DIRECTOR INITIATED** Rezoning from County of Santa Clara to R-1-8 Single-Family Residence Zoning as to approximately 82.4 gross acres, R-2 Two-Family Residence Zoning as to approximately 1.4 gross acres, and CO Commercial Office Zoning as to approximately 0.8 gross acres (all as more specifically set forth in the Staff Report) on an approximately 85 gross acre County island consisting of 319 parcels, located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280 (Multiple Owners) Council District 1. SNI: None. CEQA. GP EIR Resolution No.65459. (Related Annexation Winchester No. 42). *PROJECT MANAGER, J, FRIED*

RECOMMENDED APPROVAL (7-0-0)

5. PETITIONS AND COMMUNICATIONS

NONE

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE

7. GOOD AND WELFARE

- a. Report from City Council

Council has resumed meeting and will consider land use items on August 12th.

- b. Commissioners' Report from Committees:

- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

No meeting

- 2) Envision San José 2040 General Plan Update Process (Kamkar).

Met on Monday, July 28th to discuss land use scenarios, interconnected cities, healthy neighborhoods, and environmental leadership. Next meeting is Monday, August 25th.

- c. Review of synopsis for 07/16/08.

Approved (7-0-0)

- d. Consider Study Session dates and/or topics.

Study Session added on October 8, 2008 to review the County Island Annexation Program

8. ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session	Room T-332
		<i>Review & Comment: Planning Department Website</i>	
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session	Room T-332
		<i>CEQA: Reviewing Environmental Impact Reports</i>	
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session	Room T-332
		<i>North San José</i>	
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session	Room T-332
		<i>Green Vision/Develop City Policy</i>	
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session	Room T-332
		<i>Riparian Corridor Policy</i>	
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session	Room T-332
		<i>Inclusionary Housing & Housing Element</i>	
April 21 (Monday)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session	Room T-1654
		<i>Capital Improvement Program</i>	
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	5:00 p.m.	Study Session	Room T-332
		<i>Planning Commission By-Laws</i>	
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	5:00 p.m.	CANCELLED Study Session	CANCELLED
		<i>Riparian Corridor Policy</i>	
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	W-118, W-119, W-120
August 6	5:00 p.m.	Study Session	Room T-332
		<i>Riparian Corridor Policy</i>	
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	5:00 p.m.	Study Session	Council Chambers
		<i>Joint Study Session with Parks Commission</i>	
September 24	6:30 p.m.	Regular Meeting	Council Chambers
September 25	8:30 a.m.	Annual Retreat	Room T-1654
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers